

REMARKS

Reconsideration of the rejection of the claims is respectfully requested.

Claims 28 to 59 remain pending in the present application. Claim 28 has been amended to clarify Applicants' claimed invention. Claims 28-30, 37-50 and 53-59 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Joao et al. (U.S. Patent No. 5,903,830). Claims 31-36 and 51-52 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao et al. Applicants traverse these rejections.

The Examiner had previously rejected the same claims under the combination of the Joao patent and Vizcaino patent (U.S. Patent No. 5,317,636). It appears that the Examiner has now reinterpreted the Joao patent as disclosing all of the features recited in Applicants' independent claim.

It is unclear to Applicants how the previously cited and newly interpreted portions of the Joao patent disclose the claimed features. However, to move the application to allowance, the claims now recite features very clearly not shown including at least the claimed feature of associating the limited-use credit card number with a customer account number and a set of conditions defined by the user, wherein the customer account number is not limited to the user defined set of conditions as recited in independent claim 28. The change was made without prejudice or disclaimer of the original claim scope.

On page 2 of the Office Action, the Examiner asserts that the associating the limited-user credit card number with a customer account number is apparently disclosed in the abstract, column 17, lines 37-67, column 18, lines 1-54, column 7, lines 45-64 or column 5, lines 20-67 of the Joao patent.

However, the citation to column 17, lines 37-67 describes how the central processing computer 3 of the Joao patent performs a test in order to determine if the predetermined maximum number of unauthorized transactions have occurred on the account. This is not a discussion of or related to how a limited-use credit card number is associated with a customer account number.

The citation to column 18, lines 1-54 also does not disclose or suggest these features. Rather it discloses transmitting a signal and/or data to a communication device 4 which is located at the card holder and the content of the signal and/or data transmitted to the communication device 4.

As for column 7, lines 45-64, this citation discloses a programmable communication device 4 that receives and/or analyzes transaction information and/or data and replies or responds to same automatically with preset or programmed replies or responses.

None of the above citations describe or suggest associating the limited-use credit card number with a customer account number as recited in the pending claim 28.

As for the citation to column 5, lines 20-67, it does not disclose or suggest the feature of associating the limited-use credit card number with a customer account number and a set of conditions defined by the user, wherein the customer account number is not limited to the user defined set of conditions as recited in independent claim 28.

Therefore, it is respectfully submitted that the Joao patent does not disclose or suggest, at least, the feature of associating in the computer system the limited-use credit number with a customer account number and a set of conditions defined by

the user, wherein the customer account number is not limited to said user defined set of conditions as recited in independent claim 28.

In addition, independent claim 28 now recites the feature of processing in the computer system the transaction against the customer account number, this feature is supported in Applicants' specification in at least Figure 7 elements 714 and 716 and at page 43, lines 15-26.

Furthermore, the last step of claim 28, which recites authorizing or not authorizing the transaction based on a result of said processing, now recites processing of both the limited-use credit card number and the customer account number in the computer system. This amendment is supported in Applicants' Figure 7 and the associated text.

The Joao patent does not disclose or suggest all of the features recited in independent claim 28. Applicants respectfully submit that dependent claims 29-59 offer additional details that are not disclosed or suggested by the Joao patent. Applicants respectfully request withdrawal of the rejections of claims 28-59.

As for the rejection of claims 31-36, 51 and 52 under 35 U.S.C. § 103(a) as being unpatentable over the Joao patent, Applicants respectfully submit that the Examiner is using an inappropriate standard for determining obviousness. At page 7, paragraph 7 of the instant Office Action, the Examiner states that the standard of obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. However, the correct standard for reviewing obviousness as presented in the cited sections of the case law is patentability is determined on the totality of the record, by preponderance of the

evidence with due consideration to the persuasiveness of any arguments, In re Oetiker, 977F.2d 1443, 1445. See also MPEP §2142.

Since the Office has been applying an inappropriate standard for making the obviousness rejection, Applicants requests withdrawal of the rejection based thereon. Hence, insofar as the rejection should be withdrawn as not complying with appropriate case law, the technical distinctions will not belabored, other than to say these claims are dependent directly or otherwise on claim 28, and are patentable for at least the same reasons.

Reconsideration and withdrawal of the rejections of claims 28-59 is respectfully requested.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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